IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
ARBITRATION PETITION NO. 38 OF 2005

Capital Constructions .. Petitioner
Vs.
Nashik Zilla Kanda Batata Utpadak Sahakari Sangh Maryadit, Nashik .. Respondent

Mr. Girish Godbole for Petitioner.
Mr. P.S. Dani for Respondent.

CORAM : B. H. MARLAPALLE,J.
Date : April 13, 2006.

P.C.:

1. The respective parties had submitted a panel of Architects / Civil Engineers for being considered for appointment as a sole Arbitrator. The learned counsel sought instructions from their respective clients and it appears that there could not be any unanimity for selecting the name of the sole Arbitrator, though both the parties agree that the claims and counter claims in this petition are required to be referred for arbitration between the parties.

2. The learned counsel suggested that each of the parties, namely, the petitioner and the respondent-Sangh should be represented by their panel Arbitrator and a retired High Court Judge should be appointed as the Presiding Arbitrator as envisaged under Section 11(4) of the Arbitration and Conciliation Act, 1996. Mr. Godbole,

the learned counsel for the petitioner has suggested the name of Mr. Milind Tare who is a Civil Engineer as well as the Architect as the panel Arbitrator for the petitioner, whereas Mr. Dani the learned counsel for the respondent-Sangh has suggested the name of Jaywant Pawar, an Architect. Both these suggested Architects are based at Nasik and the arbitration proceedings are also required to be held at Nasik.

3. I, therefore, allow this petition and appoint Mr. Milind Tare as the panel Arbitrator for the petitioner, Mr. Jaywant Pawar, Architect, as the panel Arbitrator for the respondent-Sangh and Hon'ble Mr. Justice B.C. Gadgil (Retired) as the Presiding Arbitrator. The first meeting of the arbitral tribunal should be preferably held within a period of three weeks from today and then the parties shall appear before the Tribunal and finalise the terms of the arbitral proceedings, including the time frame and fees etc. Needless to mention, for any assistance in finalising fees, the order issued by the Hon'ble the Chief Justice on 13th January, 2006 prescribing the arbitral proceedings fees should be followed.

(B.H. Marlapalle, J.)